

EXHIBIT “A”

Page 1 of 3		New Jersey Police Crash Investigation Report		<input checked="" type="checkbox"/> Reportable <input type="checkbox"/> Non-Reportable <input type="checkbox"/> Change Report																																																																							
96	05	1. Case Number 17074867		11. Speed Limit 25																																																																							
97	01	2. Police Dept. of NORTH BRUNSWICK Code 01		12. Route No. - - - - -																																																																							
98	01	3. Station/Precinct -		13. Milepost - - - - -																																																																							
99	07	4. Date of Crash mm dd yy 11 09 17		14. Time (use 2400 hrs.) 11 12																																																																							
100a	01	5. Day of Week Su Mo Tu We Th Fr Sa 6		15. Municipality Code 1215																																																																							
100b	04	23. Veh. # 01		24. Policy No. F606674-4																																																																							
101	02	25. NJ Ins. Code 426		26. Driver's First Name Initial Last Name CHERYL L HENDERSON																																																																							
102	01	27. Number & Street 524 WHEELER PL		28. City SOMERSET State NJ Zip 08873																																																																							
103	01	29. Sex F		30. Eyes 02 DL Class OP Restrictions NONE Endorsements NO																																																																							
104	02	31. State NJ		32. Driver's License Number H2512 12273 51772																																																																							
105	02	33. DOB mm dd yy 01 06 77		34. Expires mm yy 09 19																																																																							
106	-	35. Owner's First Name Initial Last Name Same as Driver		36. Number & Street 332 JAMES ST																																																																							
107	-	37. City KINGSTON State PA Zip 18704		38. Make NISSAN 39. Model SENTRA 40. Color GY 41. Year 2012 42. Plate No. W36DSK 43. State NJ																																																																							
108	01	44. VIN 3 N1 A B 6 A P 8 C L 6 7 8 7 3 1 45. Expires 11/17		46. Vehicle Removed to: -																																																																							
109	29	47. Authority Owner Driver Police		48. Alcohol Drug Test Given: No Yes Refused Type: Breath Blood Urine Results: 0.00 % Pending																																																																							
110	01	49. Hazardous Material None On Board Spill		50. Carrier No. USDOT MC/MX																																																																							
111	02	51. GVWR / GCWR (trucks & buses only) ≤ 10,000 lbs. 10,001 - 26,000 lbs. ≥ 26,001 lbs.		52. Motor Carrier or Government Entity CROWN TRUCKING INC																																																																							
112	-	53. Veh. # 02		54. Policy No. 03978284-0																																																																							
113	-	55. NJ Ins. Code 11770		56. Driver's First Name Initial Last Name GREGORY E GERMEK																																																																							
114	-	57. Number & Street 72 MAIN ST		58. City DURYEA State PA Zip 18642																																																																							
115	05	59. Sex M		60. Eyes 02 DL Class CQ Restrictions - - - - - Endorsements AM																																																																							
116	01	61. State PA		62. Driver's License Number 17150 332																																																																							
117	02	63. DOB mm dd yy 10 07 58		64. Expires mm yy 10 20																																																																							
118a	06	65. Owner's First Name Initial Last Name CROWN TRUCKING INC		66. Number & Street 332 JAMES ST																																																																							
118b	-	67. City KINGSTON State PA Zip 18704		68. Make INTERNATI 69. Model TRK 70. Color WT 71. Year 2007 72. Plate No. AG34675 73. State PA																																																																							
119a	25	74. VIN 2 H S C D A P N 9 7 C 4 2 0 3 7 4 75. Expires 05/18		76. Vehicle Removed to: -																																																																							
119b	-	77. Authority Owner Driver Police		78. Alcohol Drug Test Given: No Yes Refused Type: Breath Blood Urine Results: 0.00 % Pending																																																																							
120a	01	79. Hazardous Material None On Board Spill		80. Carrier No. USDOT MC/MX																																																																							
120b	01	81. GVWR / GCWR (trucks & buses only) ≤ 10,000 lbs. 10,001 - 26,000 lbs. ≥ 26,001 lbs.		82. Motor Carrier or Government Entity CROWN TRUCKING																																																																							
121a	01	83. Damage to Other Property Yes (If Yes, describe) No		84. Summons No. 136. Charge																																																																							
121b	-	85. Summons No. 140. Charge		86. Summons No. 142. Charge																																																																							
122	08	87. Summons No. 137. Summons No.		88. Summons No. 141. Summons No.																																																																							
123	02	89. Summons No. 138. Charge		90. Summons No. 143. Summons No.																																																																							
124	08	91. Summons No. 139. Summons No.		92. Summons No. 144. Summons No.																																																																							
125	08	93. Summons No. 140. Charge		94. Summons No. 145. Summons No.																																																																							
126a	26	95. Summons No. 141. Summons No.		96. Summons No. 146. Summons No.																																																																							
126b	-	97. Summons No. 142. Charge		98. Summons No. 147. Summons No.																																																																							
126c	-	99. Summons No. 143. Summons No.		100. Summons No. 148. Summons No.																																																																							
126d	-	101. Summons No. 144. Charge		102. Summons No. 149. Summons No.																																																																							
126e	26	103. Summons No. 145. Summons No.		104. Summons No. 150. Summons No.																																																																							
127a	26	105. Summons No. 146. Charge		106. Summons No. 151. Summons No.																																																																							
127b	-	107. Summons No. 147. Summons No.		108. Summons No. 152. Summons No.																																																																							
127c	-	109. Summons No. 148. Charge		110. Summons No. 153. Summons No.																																																																							
127d	-	111. Summons No. 149. Summons No.		112. Summons No. 154. Summons No.																																																																							
127e	26	113. Summons No. 150. Summons No.		114. Summons No. 155. Summons No.																																																																							
128	26	115. Summons No. 151. Summons No.		116. Summons No. 156. Summons No.																																																																							
129	10	117. Summons No. 152. Charge		118. Summons No. 157. Summons No.																																																																							
130	10	119. Summons No. 153. Summons No.		120. Summons No. 158. Summons No.																																																																							
131	03	121. Summons No. 154. Charge		122. Summons No. 159. Summons No.																																																																							
132	03	123. Summons No. 155. Summons No.		124. Summons No. 160. Summons No.																																																																							
133	03	125. Summons No. 156. Charge		126. Summons No. 161. Summons No.																																																																							
134	02	127. Summons No. 157. Summons No.		128. Summons No. 162. Summons No.																																																																							
<table border="1"> <thead> <tr> <th colspan="10">Names & Addresses of Occupants If Deceased, Date & Time of Death</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>01</td> <td>01</td> <td>01</td> <td>04</td> <td>40</td> <td>F</td> <td>07</td> <td>08</td> <td>01</td> <td>11</td> <td>04</td> <td>-</td> <td>-</td> <td>CHERYL L HENDERSON 524 WHEELER PL SOMERSET NJ 08873</td> </tr> <tr> <td>B</td> <td>01</td> <td>04</td> <td>01</td> <td>-</td> <td>06</td> <td>F</td> <td>-</td> <td>-</td> <td>01</td> <td>07</td> <td>07</td> <td>-</td> <td>-</td> <td>KYRA HENDERSON 524 WHEELER PL SOMERSET NJ 08873</td> </tr> <tr> <td>C</td> <td>01</td> <td>06</td> <td>01</td> <td>-</td> <td>09</td> <td>F</td> <td>-</td> <td>-</td> <td>01</td> <td>07</td> <td>07</td> <td>-</td> <td>-</td> <td>MIA AUDRY 407 BERRY ST SOMERSET NJ 08873</td> </tr> <tr> <td>D</td> <td>02</td> <td>01</td> <td>01</td> <td>-</td> <td>59</td> <td>M</td> <td>-</td> <td>-</td> <td>01</td> <td>11</td> <td>04</td> <td>-</td> <td>-</td> <td>GREGORY E GERMEK 72 MAIN ST DURYEA PA 18642</td> </tr> </tbody> </table>						Names & Addresses of Occupants If Deceased, Date & Time of Death										A	01	01	01	04	40	F	07	08	01	11	04	-	-	CHERYL L HENDERSON 524 WHEELER PL SOMERSET NJ 08873	B	01	04	01	-	06	F	-	-	01	07	07	-	-	KYRA HENDERSON 524 WHEELER PL SOMERSET NJ 08873	C	01	06	01	-	09	F	-	-	01	07	07	-	-	MIA AUDRY 407 BERRY ST SOMERSET NJ 08873	D	02	01	01	-	59	M	-	-	01	11	04	-	-	GREGORY E GERMEK 72 MAIN ST DURYEA PA 18642
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New Jersey Police Crash Investigation Report										Case Number 17074867					Page <u>2</u> of <u>3</u>	
	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants If Deceased, Date & Time of Death		
E																
F																
G																
H																
I																
J																

144. Crash Diagram

Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

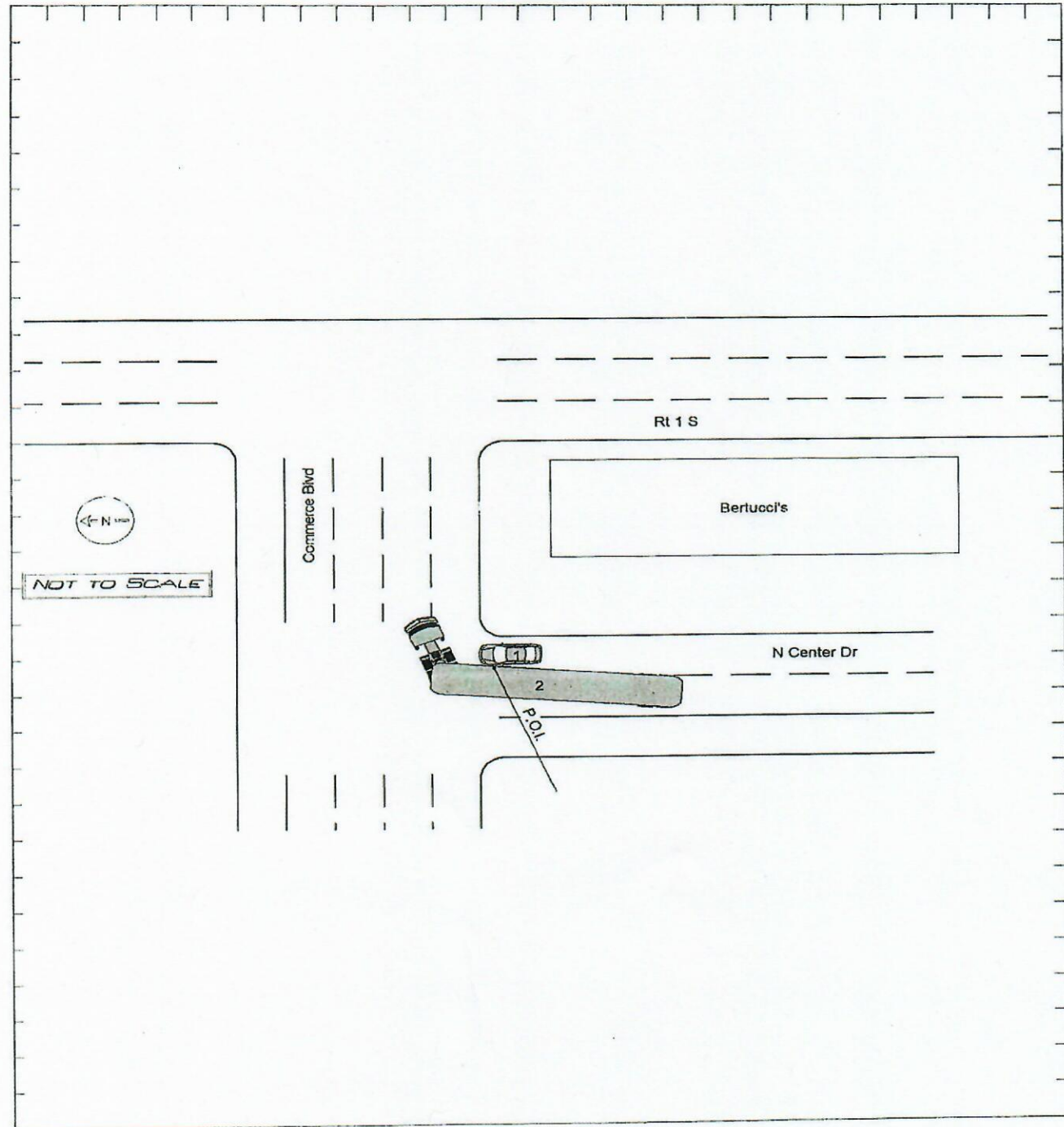
145. Crash Description/Narrative

Based on the evidence and statements on scene, the investigation revealed that vehicle 2 was a large load Tractor Trailer with a load making a right turn from N Center Dr (aka ramp from Rt 1 s to Commerce Blvd) to Commerce Blvd. The vehicle had to use both lanes to make the swing. During the turn Vehicle 1 which was behind vehicle 2 approached the intersection. Driver 2 could not see this as the turn was being made and vehicle 1 was struck by vehicle 2 in a sideswipe fashion.

146. Officer's Signature RILEY K	147. Badge # 120	148. Reviewer DEGAETANO W	Badge # 126	149. Case Status <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Complete
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Page 3 of 3New Jersey Police Crash Investigation Report
Motor Vehicle Crash DiagramPolice Dept: NORTH BRUNSWICK Code: 01
Station: - Case No: 17074867

144 Crash Diagram (NOT TO SCALE)

 Indicate
North

RILEY K

Officer's Signature

120

Badge Number



**NORTH BRUNSWICK POLICE DEPARTMENT
STATEMENT-TRAFFIC**

Case No. 17074867Incident Date: NOV 9, 2017Inc. Time 11:00AMName Cheryl Henderson Address 524 Wheeler PlDOB 1/6/77 Home Phone No. N/A Cell. Phone No. (732) 207-4648Veh. No. 1 Driver ☒ Passenger ☐ Pedestrian hit ☐ Witness ☐Inc. Location: North Brunswick, N. Center Drive

DESCRIBE IN DETAIL WHAT HAPPENED

We were both coming down N. Center Drive. I was in the right lane and the tractor truck Veh NO. (2) was in the left lane. We both stop at the sign of N. Center Drive and Commerce Blvd. When I realize he was turning right to go on to Commerce Blvd to get one route I didn't move. I stay at the stop sign. As the tractor truck was making the turn it was wide enough that's when he side swipe my veh on the driver side. I did see the signal that's why I didn't proceed to make any moves.

Witness _____

Signed _____

EXHIBIT “B”

Evan A. Marx – Attorney ID: 21018-2017

SHAW KREIZER, P.A.

1161 Broad Street, Suite 314

Shrewsbury, NJ 07702

(732) 621-8080

Attorneys for Plaintiff, Victor Sainz

CHERYL HENDERSON,

Plaintiff,

v.

CROWN TRUCKING, INC., GREGORY
GERMEK, JOHN DOE 1-10 and ABC
CORP. 1-10 (said names being fictitious
designations),

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.:

CIVIL ACTION

**COMPLAINT, JURY DEMAND,
DESIGNATION OF TRIAL COUNSEL
AND CERTIFICATION**

Plaintiff Cheryl Henderson, residing in the City of Somerset, State of New Jersey
(hereinafter "Plaintiff") by way of Complaint and Jury Demand against the Defendants, says:

FIRST COUNT

1. On or about November 9, 2017 Plaintiff was the owner/operator of a motor vehicle travelling at or near the intersection of North Center Drive and Commerce Boulevard in North Brunswick, New Jersey.

2. At the aforementioned time and place, Defendant Gregory Germek was the operator of a motor vehicle owned and/or controlled by Defendant(s) Crown Trucking, Inc. when Defendant Germek so negligently, carelessly and/or recklessly operated his/her/their motor vehicle(s) so as

MID-L-001382-19 02/12/2019 11:40:44 AM Pg 2 of 3 Trans ID: LCV2019263018

to cause a collision with vehicle occupied by Plaintiff.

3. At the same time and place, Defendant(s) Crown Trucking Inc., Gregory Germek, John Doe 1-10 (fictitiously named) and/or ABC Corp. 1-10 (fictitiously named), their agents or assigns so carelessly, negligently and recklessly operated, maintained or repaired said vehicle so as to cause the within collision.

4. As a direct and proximate result of the foregoing, the Plaintiff was caused to sustain serious and permanent injuries, as more particularly defined and set forth in N.J.S.A. 39:6A-8(a) and has suffered great pain, shock, and mental anguish and was, and still is, incapacitated and will be permanently disabled, and has in the past and will in the future be caused to expend substantial sums of money for medical treatment.

5. As a direct and proximate result of the aforesaid carelessness, recklessness and/or negligence of the defendants, Plaintiff was injured, has incurred and in the future will incur expenses for the treatment of his injuries, has been disabled and in the future will be disabled and unable to perform his usual functions, has been caused and in the future will be caused great pain and suffering, to his great loss and damage.

WHEREFORE, Plaintiff demand Judgment against the defendants on this, the First Count of the Complaint and Jury Demand, for damages, together with interest and costs of suit.

SHAW KREIZER, P.A.

/s/ Evan A. Marx
Evan A. Marx
Attorneys for Plaintiff

Dated: February 12, 2019

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any court or arbitration proceeding, nor is any other action or arbitration proceeding contemplated. I further certify that there is/are no other parties who should be joined in the within action.

SHAW KREIZER, P.A.

/s/ Evan A. Marx
Evan A. Marx
Attorneys for Plaintiff

Dated: February 12, 2019

DESIGNATION OF TRIAL COUNSEL

Please take notice that pursuant to R. 4:25-4, Evan A. Marx, Esq., is hereby designated as trial counsel in this matter.

JURY DEMAND

The Plaintiff hereby demand a jury trial as to each and every issue in this action so triable.

SHAW KREIZER, P.A.

/s/ Evan A. Marx
Evan A. Marx
Attorneys for Plaintiff

Dated: February 12, 2019

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: March 11, 2019

/s/ Jennifer Perez
Acting Clerk of the Superior Court

Name of Defendants to be served:

Gregory E. Germek
72 Main Street
Duryea, PA 18704

Crown Trucking Inc.
1744 Shamrock Road
Paxinos, PA 17860

MID-L-001382-19 02/12/2019 11:40:44 AM Pg 1 of 1 Trans ID: LCV2019263018

Civil Case Information Statement

Case Details: MIDDLESEX | Civil Part Docket# L-001382-19

Case Caption: HENDERSON CHERYL VS CROWN TRUCKING INC.

Case Initiation Date: 02/12/2019

Attorney Name: EVAN A MARX

Firm Name: SHAW KREIZER, P.A.

Address: 1161 BROAD ST STE 314

SHREWSBURY NJ 07702

Phone:

Name of Party: PLAINTIFF : Henderson, Cheryl

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: AUTO NEGLIGENCE-PERSONAL INJURY (NON-VERBAL THRESHOLD)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

02/12/2019

Dated

/s/ EVAN A MARX

Signed

EXHIBIT “C”

Marc Jones

From: Evan Marx <evan@sklaw.com>
Sent: Tuesday, March 26, 2019 11:06 AM
To: Marc Jones
Cc: Josh Edelstein
Subject: Re: In re Cheryl Henderson - Proof of Service - Our File No.: 1801-66295NJ

Mark:

I do not have proof of service yet. My office will provide upon receipt.

Evan A. Marx

TRIAL ATTORNEY | PERSONAL INJURY

Shaw Kreizer Injury Lawyers

Tel: (800) 365-1234 Ext. 9100

Fax: (888) 788-2131

Web: www.SKLAW.com



SHREWSBURY, NJ | NEW YORK, NY | WOODLAND PARK, NJ | STATEN ISLAND, NY | BRONX, NY

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On Tue, Mar 26, 2019 at 10:42 AM Marc Jones <MJones@c-wlaw.com> wrote:

Evan:

This firm is being retained to enter an appearance and defend Crown Trucking and/or Gregory Germek with regard to the above referenced matter. At your earliest convenience, can you e-mail me the proof of service as to both Crown Trucking and Mr. Germek?

Thank you.

CORDIALLY YOURS,



MARC R. JONES | PARTNER

mjones@c-wlaw.com

CIPRIANI & WERNER PC

155 GAITHER DRIVE – SUITE B

MOUNT LAUREL, NJ 08054

T: 856-761-3800 | www.c-wlaw.com

M: 609-206-8391

F: 856-437-7465

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VIRGINIA • VIRGINIA • MARYLAND • WASHINGTON, D.C.

EXHIBIT “D”



SHAW KREIZER, P.A.
REPLY TO:
1161 BROAD STREET / SUITE 314
SHREWSBURY, NJ 07702

Direct: (732) 621-8080 Ext. 8100
Fax: (732) 621-8000
Email: David@SKlaw.com

December 12, 2018

VIA U.S. MAIL & E-MAIL to A097693@progressive.com

Progressive
PO Box 512926
Los Angeles, CA 90051
Attn: Chadwith Sakala

Re:	Our Client:	Cheryl Henderson
	Claim No.:	175665394
	Date of Loss:	11/9/2017

Dear Mr. Sakala:

As you are aware, this office represents Cheryl Henderson with respect to the injuries she sustained at the time of the above-referenced accident. To follow is information concerning the facts of this accident as well as information concerning the nature and severity of the injuries that our clients sustained.

FACTS:

On November 9, 2017, our client Cheryl Henderson was the driver of a motor vehicle traveling on North Center Drive in North Brunswick, NJ, in the right lane. Your insured was also traveling on North Center Drive when they attempted to make a right turn from the center lane, hitting the driver's side of our client's vehicle. As a result of your driver's negligence, our client has sustained serious, diverse and permanent injuries.

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LIABILITY:

We are enclosing herewith for your review a copy of the Police Report, as well as property damage photos. We trust that you will agree that liability rests 100% on the part of your insured.

INJURIES/MEDICALS:

Immediately following the accident, Ms. Henderson sought emergency treatment at St. Peter's University Hospital in New Brunswick, NJ. She presented with multiple complaints of pain including neck pain and left shoulder pain. She underwent imaging studies, was prescribed pain medication and was discharged with instructions to follow up with her doctor. These hospital records are enclosed.

Ms. Henderson then sought treatment at Bound Brook Family Chiropractic Center, located in Bound Brook, NJ. Upon initial consultation, she complained of neck pain, back pain and left shoulder pain. She began conservative therapy including various physio-therapeutic modalities, such as electric nerve stimulation, heat/cold therapy and manual traction. Due to her consistent neck and back pain, **she was recommended for MRIs of the cervical spine and the lumbar spine.** Most notable is as follows:

- **Central disc herniation at C2-C3, C3-C4, C4-C5, C5-C6 and C6-C7;**
- **Central disc herniation with annular bulging at L4-L5;**
- **Annular bulges at L3-L4 and L5-S1;**

In order to better assess the nature and extent of Ms. Henderson's injuries, she was referred to Dr. Peter Kwan, M.D., a neurologist located in Edison, NJ. Upon initial consultation she complained of back pain, as well as neck pain radiating into her left shoulder. Dr. Kwan recommended Ms. Henderson for **EMG/NCV testing of both the upper and lower extremities, performed on 9/18/18, which revealed left-sided radiculopathy at C7.** These test results are enclosed.

Ms. Henderson also sought treatment with Dr. Diego Herrera, M.D., an orthopedic surgeon located in Edison, NJ. Upon initial consultation, she reiterated her complaints of neck pain, back pain and left shoulder pain. Dr. Herrera recommended Ms. Henderson continue physical therapy and follow up with him as needed. Ms. Henderson continued her conservative therapy at Total Care Physical therapy, located in East Orange, NJ. She underwent various physio-therapeutic modalities, such as therapeutic exercises and heat/cold therapy. These records are enclosed.

Because of her worsening pain that was not alleviated with conservative therapy, Ms. Henderson was referred to Dr. Wayne Fleischhacker, D.O., a pain management specialist located in Union, NJ. Upon initial visit, she reiterated her complaints of neck pain, back pain and left shoulder pain. To treat her worsening back pain, **Dr. Flesichhacker prescribed Ms. Henderson pain medication and recommended her for both cervical and lumbar epidural steroid injections.** These records are enclosed.

I trust you will find the remainder of the enclosed documents to be self-explanatory. Please note that Ms. Henderson continues to experience pain with limited range of motion.

PIP/NO-FAULT:

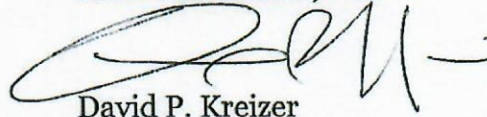
PIP benefits Cheryl Henderson for were paid pursuant to her policy with New Jersey Manufacturers under Claim # 2017-795778-1. This shall serve as authorization for you to obtain our client's PIP file.

Please note that as your insured was operating a commercial vehicle at the time of the accident, Ms. Henderson is subject to the Zero Threshold.

DAMAGES:

Based on the treatment and diagnosis of our client's treating physicians, this office hereby demands \$100,000 for Cheryl Henderson for the purpose of settlement. Upon receipt of the enclosed documentation, kindly contact the undersigned so that we may discuss this matter in further detail.

Very truly yours,
SHAW KREIZER, P.A.

A handwritten signature in black ink, appearing to read 'DPK', with a horizontal line extending to the right.

David P. Kreizer

DPK/kjf
Enc.

EXHIBIT “E”

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Newark Vicinage)**

CHERYL L. HENDERSON,

Plaintiff,

v.

Civil Action No.:

CROWN TRUCKING, INC.; GREGORY
GERMEK; JOHN DOES(S) (1-10); and BAC
CORP(S). (1-10) (fictitious names),

Defendants.

**ANSWER AND DEFENSES OF DEFENDANTS, CROWN TRUCKING, INC. AND GREGORY
GERMEK, TO PLAINTIFF'S COMPLAINT**

Defendants, Crown Trucking, Inc. and/or Gregory Germek (hereinafter referred to as
"Defendants" or "Crown Trucking"), by way of Answer to the Plaintiff's Complaint, hereby states:

FIRST COUNT

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

2. Denied.

3. Denied.

4. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

5. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants, Crown Trucking and/or Gregory Germek, hereby demands judgment against the Plaintiff dismissing Plaintiff's Complaint with prejudice and respectfully requests

that the Court enter a judgment in its favor and against the Plaintiff for attorneys' fees and costs and any other relief that this Court deems just and appropriate.

SEPARATE DEFENSES

1. The Complaint fails to state a claim upon which relief may be granted, and Defendants reserve the right to move to dismiss.
2. The Complaint is barred by the applicable statute of limitations and/or statute of repose governing such claims.
3. The incidents complained of were caused by third parties over whom Defendants had no control.
4. If Plaintiff sustained injuries or damages, those injuries or damages were proximately caused by the superseding intervening actions of others.
5. Defendants breached no duty to any party herein.
6. Plaintiff's claims are barred by the doctrine of laches.
7. Plaintiff's claims are barred by the doctrine of waiver.
8. Plaintiff's claims are barred by the doctrine of unclean hands.
9. Plaintiff's claims are barred by the doctrine of estoppel.
10. Plaintiff's claims are barred by the doctrine of joint enterprise.
11. Plaintiff's claims are barred, in whole or in part, by the entire controversy doctrine. R. 4:30A.
12. Without admitting any liability herein, and without admitting that Plaintiff has suffered any damages at all, Plaintiff failed to take reasonable steps to mitigate damages, if any.
13. Defendants complied with all applicable and existing state and federal statutes and regulations and industry standards.
14. Plaintiff's claims are barred or diminished and reduced by the doctrine of comparative negligence under the New Jersey Comparative Negligence Act, N.J.S.A. 2A:15-5.1 et seq.

15. Plaintiff's claims are barred or diminished and reduced by the Collateral Source Rule, as set forth in N.J.S.A. 2A:15-97.

16. Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks the requisite standing to proceed with this litigation.

17. This action is barred, in whole or in part, by Plaintiff's failure to join a party without whom the action cannot proceed pursuant to R. 4:28-1.

18. Defendants deny any claim for strict liability, if any.

19. Defendants deny any claim for compensatory damages.

20. Defendants deny any claim for punitive damages.

21. Plaintiff's claims are barred, in whole or in part, by accord and satisfaction.

22. Service of process was insufficient and/or improper and Plaintiff's claims should be dismissed accordingly.

23. Plaintiff's claims are barred, in whole or in part, by F.R.C.P. 11 (b), and, as present, is frivolous, improper, intended to harass, is unwarranted, baseless and is lacking in evidentiary support, and, as a result, Defendants are entitled to sanctions.

REQUEST FOR STATEMENT OF DAMAGES

1. You are hereby requested and required to furnish to the undersigned within five (5) days, a written statement of the amount of damages claimed.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to Rule 4:25-4, Marc R. Jones, Esquire, is hereby designated as trial counsel in the above matter.

DEMAND FOR JURY TRIAL

Defendants hereby demands a trial by jury as to all issues.

CERTIFICATION PURSUANT TO R. 4:5-1

The matter in controversy is not the subject to any other known action pending in any Court, or of a known or contemplated arbitration proceeding. There are no other parties known who should be joined in this action.

CIPRIANI & WERNER, P.C.



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DATED: April 2, 2019